

Appln No. 10/807,014

Amdt date May 5, 2005

Reply to Office action of January 31, 2005

REMARKS/ARGUMENTS

Claims 1-18 and 47 are pending in this application, of which claims 1, 7, 15 and 47 are independent. Claims 1-3 and 7 have been amended. Claim 47 has been added. In addition, the specification and FIGs. 1 and 3 have been amended. The new claim and the amendments to the specification, claims and drawings add no new matter and find full support in the application as originally filed. In view of the above amendments and following remarks, Applicant respectfully requests reconsideration and a timely indication of allowance.

Substance of Interview

Applicant wishes to thank Examiner Legesse for the courtesies extended to the undersigned during the interview of May 5, 2005, in which the Atkinson and Leifheit references were discussed with regard to claims 1 and 7, and the Marker reference was discussed with regard to claim 15.

In the course of the interview, it was agreed that the addition of the term "flexible" to claim 7 would distinguish claim 7 from Leifheit. Applicant's attorney also discussed the addition of the phrase "wherein the target opening is bisected by the vertical plane." Examiner Legesse agreed to reconsider claim 1 in light of this amendment. Lastly, Applicant's attorney presented arguments as to why claim 15 is distinguishable over Marker. Examiner Legesse agreed to reconsider claim 15 in light of this discussion.

Appln No. 10/807,014

Amdt date May 5, 2005

Reply to Office action of January 31, 2005

Specification

The Examiner has objected to the specification, stating that the expressions first arm, second arm and third arm from the claims should be included in the specification. The specification has been amended as requested by the Examiner. In addition, FIGs. 1 and 3 have each been amended to include reference numerals 25, 27 and 29, corresponding to the first arm, the second arm, and the third arm, respectively. Accordingly, Applicant respectfully requests that the objection to the specification be withdrawn.

Double Patenting

Claims 1, 6, 7, 15 and 16 have been rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 1, 2, 5-10, 13, 14, 18 and 19 of U.S. Patent No. 6,773,357. Submitted herewith is a terminal disclaimer, submitted to obviate this rejection. Accordingly, Applicants respectfully requests that the rejection of claims 1, 6, 7, 15 and 16 under the judicially created doctrine of obviousness-type double patenting be withdrawn.

Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 1-5 under 35 U.S.C. § 102 as allegedly being anticipated by Atkinson (U.S. Patent No. 2,276,141); and claims 1-8 and 10 under 35 U.S.C. § 102 as allegedly being anticipated by Leifheit (U.S. Patent No. 3,888,353.) Applicant respectfully traverses this rejection.

Appln No. 10/807,014

Amdt date May 5, 2005

Reply to Office action of January 31, 2005

Claim 1 is directed to a golf putting aid comprising upper and lower alignment members, which are attached to first and second attachment structures, and which are vertically aligned to define a vertical plane which is perpendicular to a putting surface, wherein a target attached to the first attachment structure comprises a target opening that is "bisected by the vertical plane."

Atkinson discloses a shoe rack. The Examiner contends that Atkinson discloses first and second attachment structures (1), having upper and lower alignment members (9) attached thereto, and a target (the bottom right references 4 and 5 together) attached to the first attachment structure. However, what the Examiner refers to as the target is not bisected by the vertical plane defined by what the Examiner refers to as the upper and lower alignment members (9.)

Instead, these alignment members (9) are approximately vertically aligned with the outer edges of what the Examiner refers to as the target. As such, Atkinson does not disclose, teach or suggest a target that is "bisected by the vertical plane" defined by the alignment members, as specified by claim 1. As such, Atkinson does not anticipate claim 1.

Leifheit also discloses a shoe stand. The Examiner contends that Leifheit discloses first and second attachment structures (10), having upper and lower alignment members (12 or 13) attached thereto, and a target (the bottom right references 10 and 20 together) attached to the first attachment structure.

However, what the Examiner refers to as the target (the distance between the leftmost coupling element 18 and the

Appln No. 10/807,014

Amdt date May 5, 2005

Reply to Office action of January 31, 2005

rightmost coupling element 18) is not bisected by a vertical plane defined by what the Examiner refers to as the upper and lower alignment members (12 or 13.)

Instead, FIG. 2 of Leifheit shows four coupling sockets 14 and 15 arranged across the width of the stand. A first set of elements 12 and 13 is disposed in the leftmost socket 14 adjacent to the leftmost coupling element 18; a second set of elements 12 and 13 is disposed in the second leftmost socket 14, approximately 1/3 of the way across the distance between the coupling elements 18; a third set of elements 12 and 13 is disposed in the second rightmost socket 14, approximately 2/3 of the way across the distance between the coupling elements 18; and a fourth set of elements 12 and 13 is disposed in the rightmost socket 14, adjacent to the rightmost coupling element 18.

As such, Leifheit does not disclose, teach or suggest a target that is "bisected by the vertical plane" defined by the alignment members, as specified by claim 1. Consequently, Leifheit does not anticipate claim 1.

Claim 7 is directed to a golf putting aid comprising, among other things first and second attachment structures having upper and lower alignment member disposed between and attached to the attachment structures, wherein "at least one of the alignment members is elastic."

What the Examiner refers to as the alignment members in Leifheit (items 12 or 13) are not elastic. If these members were elastic they would not function for their intended purpose of supporting shoes. As such, Leifheit does not disclose, teach

Appln No. 10/807,014

Amdt date May 5, 2005

Reply to Office action of January 31, 2005

or suggest alignment members wherein "at least one of the alignment members is elastic," as is specified by claim 1. Consequently, Leifheit does not anticipate claim 1

Claims 2-5 depend from claim 1. Claim 1 is now believed to be in condition for allowance over Atkinson and Leifheit. As such, Applicant submits that claims 2-5 are also allowable over Atkinson and Leifheit as being dependent from an allowable base claim and for the additional limitations they contain therein. Claim 10 depends from claim 7. Claim 7 is now believed to be in condition for allowance over Leifheit. As such, Applicant submits that claim 10 is also allowable over Leifheit as being dependent from an allowable base claim and for the additional limitations it contains therein.

Accordingly, Applicant respectfully requests that the rejection of claims 1-5 over Atkinson under 35 U.S.C. § 102; and the rejection of claims 1-8 and 10 over Leifheit under 35 U.S.C. § 102 be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 15-17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Atkinson in view of Marker (U.S. Patent No. 3,722,702). Applicant respectfully traverses this rejection.

Claim 15 is directed to a golf putting aid comprising, among other things, first and second attachment structures with at least one longitudinal support member disposed between and fixedly attached to the attachment structures, "wherein the at least one longitudinal support member comprises a first portion

Appln No. 10/807,014

Amdt date May 5, 2005

Reply to Office action of January 31, 2005

attached to the first attachment structure and a second portion attached to the second attachment structure; and a hinge that pivotally connects the first portion of the at least one longitudinal support member to the second portion of the at least one longitudinal support member."

The Examiner contends that "Atkinson discloses the invention as recited above but fails to teach the use of a hinge in his device. However, Marker teaches the use of [a] in a rack element (34)" (current Office action, page 6.)

Although Marker shows a hinge 34, the hinge 34 is connected between the hang rail 32 and the end frame 12 of Marker. Claim 15, on the other hand, requires at least one longitudinal support member that includes a first portion attached to the first attachment structure, and a second portion attached to the second attachment structure, with a hinge pivotally connecting the first portion to the second portion. As such, the claimed hinge pivotally connects a first portion of the longitudinal support member to a second portion of the longitudinal support member, and does not pivotally connect the longitudinal support member to the attachment structure as taught by Marker. Atkinson does not make up for this deficiency in Marker.

As such, Atkinson and Marker do not render claim 15 obvious. Claims 16 and 17 depend from claim 15. Claim 15 is now believed to be in condition for allowance over Atkinson and Marker. As such, Applicant submits that claims 16 and 17 are also allowable over Atkinson and Marker as being dependent from an allowable base claim and for the additional limitations they contain therein. Accordingly, Applicant respectfully requests

Appln No. 10/807,014

Amdt date May 5, 2005

Reply to Office action of January 31, 2005

that the rejection of claims 15-17 over Atkinson and Marker under 35 U.S.C. § 103(a) be withdrawn.

Allowable Subject Matter

The Examiner states that "claims 9, 11-14 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims."

Claims 9, 11-14 depend from claim 7. Claim 18 depends from claim 15. Applicant respectfully submits that claims 7 and 15 are in condition for allowance. As such, Applicant respectfully submits that claims 9, 11-14 and 18 are also in condition for allowance as being dependant from an allowable base claim and for the additional limitations they contain therein.

New claim 47 has been added and includes all of the limitations of original claims 7 and 11. As such, Applicant respectfully submits that claim 47 is in condition for allowance.

In view of the above amendments and remarks, Applicant respectfully submits that claims 1-18 and 47 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated.

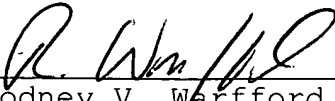
Respectfully submitted,
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Appln No. 10/807,014

Amdt date May 5, 2005

Reply to Office action of January 31, 2005

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Appln No. 10/807,014

Amdt date May 5, 2005

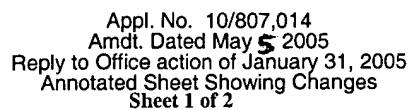
Reply to Office action of January 31, 2005

Amendments to the Drawings:

The attached 2 sheets of annotated drawings show changes made to FIGs. 1 and 3. The enclosed 2 sheets of replacement drawings, which include amended FIGs. 1 and 3, replace the original sheets including original FIGs. 1 and 3.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes



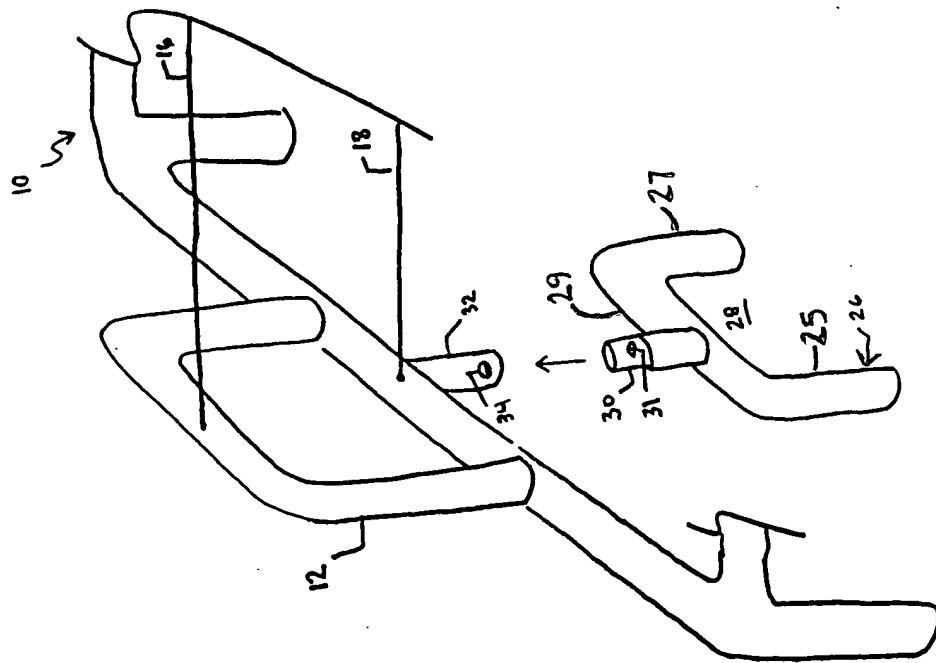


Fig. 3